

17-33-8 Career service -- Exempt positions.

- (1) The career service:
 - (a) is a permanent service to which this chapter applies; and
 - (b) comprises all tenured county positions in the public service, except:
 - (i) subject to Subsection (2):
 - (A) the county executive, members of the county legislative body, and other elected officials; and
 - (B) each major department head charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting to formulate and carry out policy matters;
 - (ii) one confidential secretary for each elected county officer and major department head, if a confidential secretary is assigned;
 - (iii) an administrative assistant to the county executive, each member of the county legislative body, and each elected official, if an administrative assistant is assigned;
 - (iv) each duly appointed chief deputy of any elected county officer who takes over and discharges the duties of the elected county officer in the absence or disability of the elected county officer;
 - (v) subject to Subsection (3), a person who is:
 - (A) appointed by an elected county officer to be a division director, to administer division functions in furtherance of the performance of the elected officer's professional duties;
 - (B) in a confidential relationship with the elected county officer; and
 - (C) not in a law enforcement rank position of captain or below;
 - (vi) each person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees;
 - (vii) each noncareer employee:
 - (A) compensated for the employee's services on a seasonal or contractual basis; and
 - (B) hired on emergency or seasonal appointment basis, as approved by the council; and
 - (viii) each provisional employee, as defined by the county's policies and procedures or its rules and regulations;
 - (ix) each part-time employee, as defined by the county's policies and procedures or its rules and regulations;
 - (x) each employee appointed to perform:
 - (A) work that does not exceed three years in duration; or
 - (B) work with limited funding; and
 - (xi) each position that, by its confidential or key policy-determining nature, cannot or should not be appropriately included in the career service.
- (2) Before a position under Subsection (1)(b)(i) may be changed from its current status to exempt or tenured, the career service council shall, after giving due notice, hold a public hearing on the proposed change of status.
- (3)
 - (a) Subsection (1)(b)(v) may not be construed to cause a person serving as a nonexempt employee on May 5, 2008 in a position described in that subsection to lose the nonexempt status.
 - (b) The elected county officer in a supervisory position over an employee described in Subsection (3)(a) shall work with the county's office of personnel management to develop financial and other incentives to encourage a nonexempt employee to convert voluntarily to exempt status.
- (4)

- (a) Rules and regulations promulgated under this chapter shall list by job title and department, office or agency, each position designated as exempt under Subsection (1)(b)(xi).
- (b) A change in exempt status of a position designated as being exempt under Subsection (1)(b)(xi) constitutes an amendment to the rules and regulations promulgated under this chapter.

Amended by Chapter 25, 2008 General Session

Amended by Chapter 172, 2008 General Session